



GAU: 3738

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In Re Application of:** Brown et al.  
**Application No.:** 09/599,674  
**Filed:** June 22, 2000  
**For:** LONGITUDINALLY FLEXIBLE  
EXPANDABLE STENT  
**Examiner:** (Not yet assigned)  
**Group Art Unit:** 3738

PATENT

TECHNOLOGY CENTER 3700

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Commissioner for Patent  
Washington, D.C. 20231

Docket No.: S63.2-9216

## INFORMATION DISCLOSURE STATEMENT

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, except for pending U.S. applications, is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 or form 892 from a prior application is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

X Related co-pending application(s), that we are aware of, are listed as follows:

☐ related in subject matter only:

☒ related by priority claim under 35 USC §120: continuation of Application No.

08/511,076, filed August 3, 1995 which is a continuation-in-part of Appl. No.

08/396,569, filed March 1, 1995 (now abandoned).

Pursuant to 37 CFR §1.98(d), no copies of cited art in a previous application(s) to which priority was claimed need be submitted. Applicant is providing copies of the 1449 Forms filed in these cases for the Examiner's convenience and easy reference.

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Applicant also notes the existence of Application 09/122,431, filed July 24, 1998 which is a continuation of parent Application No. 08/511,076.

  X   **I.** This statement qualifies under 37 C.F.R. §1.97(b) because to the knowledge of the undersigned attorney (check all that apply):

- X   (1) It is being filed within 3 months of the application filing date; or
- (2) It is being filed within 3 months of entry of a national stage; or
- X   (3) It is being filed before the mail date of the first Office Action on the merits.

       **II.** 37 C.F.R. §1.97 (c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office Action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

- (1) a certification as specified in §1.97(e) is provided below; or
- (2) a fee of \$240.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

       **III.** 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

- (1) a certification as specified in §1.97(e) is completed below; and
- (2) a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; and
- (3) a fee of \$130.00 as set forth in §1.17(I)(1) is authorized below, enclosed, or included with payment of other papers filed together with this statement.

       **IV. Fee Authorization.** The Commissioner is hereby authorized to charge the above-referenced fees of \$\_\_\_\_\_ and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 22-0350.

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*If paragraph II.1 or III.1 is checked, also check one of the paragraphs below*

\_\_\_\_\_ I hereby certify, under 37 CFR §1.97(e)(1), that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the date of the filing of this information disclosure statement.

\_\_\_\_\_ I hereby certify, under 37 CFR §1.97(e)(2), that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

*For the purpose of this certification, Applicant considers the PCT International Search Authority to constitute a foreign patent office.*

Notwithstanding the above, if any petition is necessary to ensure consideration of this Information Disclosure Statement, Applicant requests that this be treated as such a petition.

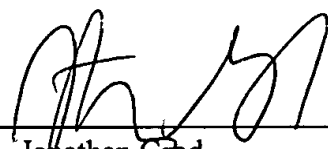
Moreover, if any fee is due for consideration of this Information Disclosure Statement and full payment has not been submitted herewith, the Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 22-0350.

The Commissioner is hereby authorized to credit any overpayment associated with this communication to Deposit Account No. 22-0350.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS, P.A.

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